

PATENT

Case Docket No. NECORFA.005CP1
Date: 22 November 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Earthman et al.
Appl. No. : 10/802,117
Filed : 16 March 2004
For : EVALUATION OF
REFLECTED TIME-ENERGY
PROFILE FOR EVALUATION
OF OSSEOINTEGRATION
AND DENSITY
Group Art Unit : 3736
Class/Sub-Class: 600-553000
Examiner : Charles Alan Marmor II

CERTIFICATE OF FAX TRANSMISSION

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273-2885 on the date shown below:

22 November 2005

(Date)


Kyle F. Schlueter, Reg. No. 54,912

TRANSMITTAL LETTER

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing is the Issue Fee for the above-identified application:


- (X) Form PTOL-85.
- (X) Please charge the total fees due in the amount of **\$1,000** to Deposit Account No. 11-1410.
- (X) Comments on Statement of Reasons for Allowance in 2 pages.
- (X) Total pages in transmission: 5



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- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.



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ECORFA.005CP1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 10/802,117

Confirmation Number: 3275

Applicant: Earthman et al.

Filing Date: 16 March 2004

Art Unit: 3736

Examiner: Charles Alan Marmor II

Customer Number: 20,995

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

In the Examiner's statement of reasons for allowance ("Statement"), the Examiner has listed certain elements which are neither taught nor suggested by the prior art of record. Applicants note that certain of the allowable claims do not contain any of the elements listed by the Examiner. Furthermore, Applicants note that the patentability of the allowed claims rests on the combination of recited elements, rather than on a specific element. Applicants respectfully disagree with the Examiner's Statement to the extent it implies that certain unrecited elements are required by certain claims.

Application Number **10/802,117**

The Examiner's statement of reasons for allowance is the personal opinion of the Examiner as to why the claims are allowable, and should not create an estoppel with respect to future claim construction. See MPEP 1302.14.

Respectfully submitted,

KNOBBE MARTENS OLSON & BEAR LLP

Dated: 22 nov 05

By: Kyle F. Schlueter

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